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MT LEGISLATIVE HISTORY

Chapter 585 1985

Bill (H) 551 S _____ Original bill & hist. ___C

H. Committee on Education and Cultural Resources S. Committee on Education and Cultural Resources

Hearing Date(s)		Hearing Date(s)	
FEB 11	✓C	MAR 18	✓C
FEB 13	✓C	MAR 25	✓C
FEB 20	✓C	_____	___C
_____	___C	_____	___C
Date Out FEB 20	✓C	MAR 26	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

CHAIRMAN--BLAYLOCK, CHET
NORMAL SCHEDULE==> SITE: ROOM 402 DAYS: M-W-F TIME: 1:00-3:00 P.M.

SECRETARY-ROHYANS, JILL

--BILL NO---	REFER DT--	HEAR DT---	CONSIDER---	FURTHER CONSIDER---	COMMITTEE ACTION--------	*FISCAL NOTE* ORD'D--	*FISCAL NOTE* REC'D---	REREFERRED TO COMM----	DATE OUT-
HB0412	2/12	3/06	3/06		CONCUR AS AMENDED				~~3/07~~ 3/6
HB0416	2/13	3/08	3/08		CONCUR				~~3/09~~ 3/8
HB0432	2/13	3/11	3/11		CONCUR				~~3/12~~ 3/11
HB0454	2/07	3/08	3/08	3/22	CONCUR				3/22
HB0471	2/21	3/11	3/11	3/22	CONCUR AS AMENDED				3/22
HB0480	2/21	3/11	3/11	3/25	CONCUR				~~3/26~~ 3/25
HB0497	3/04	3/18	3/18	3/25 3/29 3/27	CONCUR AS AMENDED				3/29
HB0534	2/21	3/13	3/13	3/25	TABLED 3/25				
HB0549	2/22	3/13	3/13	3/22	CONCUR				3/22
HB0551	3/04	3/18	3/18	3/25	CONCUR AS AMENDED				3/26
HB0608	2/22	3/13	3/13	3/15	CONCUR				3/18
HB0635	2/22	3/15	3/15		CONCUR				3/18
HB0685	2/22	3/15	3/15		CONCUR				3/18
HB0849	3/05	3/20	3/20	3/27	TABLED 3/27				

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 18 , 1985

The 22nd meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet Blaylock, at 1:05 p.m. in Room 403, State Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 551: REPRESENTATIVE REHBERG, District 88, sponsor, stated the bill was introduced at the request of the Office of Public Instruction. Due to various changes in the law the procedure for creation of a new hgih shcool district was overlooked. He noted only three new districts have been created in the past 15 years but in order to discourage new districts from springing up wholesale, the bill was amended. A petition must be signed by 50 rather than 24 parents and the taxable value of the property in the proposed new district must be a least $500,000.

PROPONENTS:

RICHARD TRERISE: Montana Association of County School Superintendents, said this method has worked very well and his organization supports the bill.

BILL ANDERSON, Office of Public Instruction, said the amendments are good and OPI supports the bill.

There were no further proponents and no opponents to the bill.

DISCUSSION:

SENATOR YELLOWTAIL asked if the taxable valuation of $500,000 will preclude new districts on Indian reservations.

MR. ANDERSON replied that it could, however, any proposed district with a lower base than $500,000 would have funding problems. He said the legislature needs to address the problems created by difficulty in obtaining 874 and Johnson O'Malley funding.

CONSIDERATION OF HOUSE BILL 497: REPRESENTATIVE KOENHKE, District 32, sponsor, said the bill provides that the approval agents are not required to approve a tuition application if the resident district provides transportation unless certain conditions exist and providing an immediate effective date. The

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/13

NAME	PRESENT	ABSENT	EXCUSED
SENATOR PINSONEAULT	✓		
SENATOR BROWN	✓		
SENATOR REGAN	✓		
SENATOR SMITH	✓		
SENATOR HAFFEY	✓		
SENATOR YELLOWTAIL	✓		
SENATOR MAZUREK	✓		
SENATOR FARRELL	✓		
SENATOR McCALLUM	✓		
SENATOR BLAYLOCK, CHAIRMAN	✓		

SENATOR REGAN suggested taking it to the caucuses and bringing it out with bipartisan support - voting in pairs if necessary.

SENATOR HAFFEY said he agreed with Senator Regan and felt the two mills should be retained and the 10% cap and trustee relationship should be ironed out.

SENATOR McCALLUM said a new board just makes more bureaucracy and felt it sould be under the Board of Regents with perhaps an appointed advisory board. He said each center needs to clarify the building status immediately. He also felt if staff became state employees it would negatively impact the budget. He emphasized these points need to be clarified before the bill passes.

SENATOR SMITH said he wouldn't support the two mills as it originally was to be one center in 1967 and the four cities came in and convinced the legislature to make five centers. He felt it is their problem now.

SENATOR McCALLUM suggested putting it on a referendum vote as he can't vote for the two mills because his constituents don't want it.

The committee agreed to take the issue to the caucuses and then address the funding at the next committee meeting.

ACTION ON HOUSE BILL 534:

SENATOR MAZUREK moved HB 534 BE LAID ON THE TABLE. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 551:

SENATOR YELLOWTAIL moved HB 551 be amended as per the attached standing committee report. The motion CARRIED unanimously.

SENATOR YELLOWTAIL moved HB 551 BE CONCURRED IN AS AMENDED. The motion CARRIED unanimously.

FURTHER ACTION ON HOUSE BILL 11:

SENATOR REGAN moved to take HB 11 form the table. The motion CARRIED with Senator Smith voting no.

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3/22

NAME	PRESENT	ABSENT	EXCUSE
SENATOR PINSONEAULT	✓		
SENATOR BROWN	✓		
SENATOR REGAN	✓		
SENATOR SMITH	✓		
SENATOR HAFFEY	✓		
SENATOR YELLOWTAIL	✓		
SENATOR MAZUREK	✓		
SENATOR FARRELL	✓		
SENATOR McCALLUM	✓		
SENATOR BLAYLOCK, CHAIRMAN	✓		

STANDING COMMITTEE REPORT

March 26, 19 35

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 551

third reading copy (blue color)

(Senator Yellowtail will carry the bill.)

ESTABLISHING A METHOD FOR CREATION OF A NEW HIGH SCHOOL DISTRICT

Respectfully report as follows: That HOUSE BILL No. 551

be amended as follows:

1. Page 4, line 17.
Following: "$500,000"
Insert: ", unless 50,000 acres or more of such proposed new district are nontaxable Indian land"

AND AS AMENDED
BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

Senator Chet Blaylock, Chairman.

STANDING COMMITTEE REPORT

March 26, 19 85

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~~DO NOT PASS~~

Senator Chet Blaylock, Chairman.

(To be kept current -- post bills when entered, being heard or leaving committee.) Form CS-32

STATUS SHEET

1985 LEGISLATIVE SESSION

HOUSE BILLS

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
432	1-23	2-8	2-8	2-8					
449	1-23		(Not heard at request of sponsor)						
454	1-23	1-28	1-28			1-28			
471	1-25	2-11	2-13			2-13			
480	1-25	2-11	2-13	2-13					
497	1-26	2-13	2-18			2-18			
503	1-26	2-13	2-18		2-18				
534	1-29	2-13	2-15			2-15			
538	1-29	2-15	2-15		2-15	(Referred back to committee 2-18) (TABLED 2-20)			
539	1-29	2-15	2-18			2-18			
549	1-29	2-15	2-18	2-18					
551	1-29	2-11	(TABLED 2-13)			2-20			
556	1-29	2-13	2-18		2-18				
591	1-31	2-20	(TABLED 2-20)						
608	2-1	2-13	2-15	2-15					
626	2-1	2-11		2-13	(Referred back to committee 2-16) 2-20				

Use a separate sheet for Senate, House Bills, and Resolutions

OPPONENTS: J. Ray Haffey, an employee of the Anaconda Public Schools opposed the bill as it stands because it ignores local control. He submitted amendments to the Committee which would allow greater flexibility. (See Exhibits 9 and 10)

Terry Minow with the Montana Federation of Teachers opposed passage of the bill. She said the number of amendments and concerns showed by the proponents indicated that the bill had problems.

It was pointed out in discussion that amendments could give an option to the board of trustees to act as the fiscal agent or appoint a designee.

The hearing on H.B. 471 was officially closed by Rep. Hammond.

CONSIDERATION OF H.B. 685: Representative Joe Hammond, District #52, introduced this bill at the request of the county superintendents.

PROPONENTS: Richard Trerise, representing the Montana Association of County School Superintendents said the bill allows the county superintendent, while computing the general fund levy reuqirements, to anticipate revenues or to wait until it is received and then reappropriate it. He relayed that the mill levies may rise for the first year and then would be back to normal the following year. It would allow for accurate mill levies.

Bob Stockton from the Office of Public Instruction relayed that the state superintendent would like to go on record as supporting this bill. Estimating revenues is a difficult job. The bill specifies that collected money in miscelleaneous funds would be used to reduce the following year's levy.

Chip Erdman with the Montana School Board Association supports the bill because estimating revenues is an educated guess and it would set the revenues on a rational basis.

There being no opponents, the floor was opened to questions by the Committee. It was brought out by Bob Stockton that the mill levy increase the first year, he guessed, would be small. Rep. Hammond closed the hearing on H.B. 685.

CONSIDERATION OF H.B. 551: Representative Dennis Rehberg from House District #88 sponsored this bill at the request of the Office of Public Instruction. Change of boundary laws were repealed in 1983 and it inadvertently removed the language dealing with the creation of a new high school district.

PROPONENTS: Bob Stockton with the Office of Public Instruction

said the bill was a request from the Senate Education Committee, as the provision was mistakenly left from the statutes.

Chip Erdman with the Montana School Board Association rose in support of the bill.

Richard Trerise stood as Superintendent of the Lewis and Clark County Schools to say there is a definite need for this process and he would like to see it reintroduced back into the law.

There being no opponents to the bill, it was brought out that the law would parallel those used to form elementary districts.

CONSIDERATION OF H.B. 626: Representative Richard Nelson, District #6, introduced this bill which removes the voter turnout requirements for school bond elections. In order to validate a bond election, 40% of the registered voters must turn out for the election. This bill would revert the passage to a simple majority.

PROPONENTS: Chip Erdmann with the Montana School Board Association spoke of the history of bond elections and said his trustees voted to seek legislation on this issue. It was enacted in 1927, changed in 1935 to at least 51% of the electorate and in the next session reduced to the present formula. He felt the initial reason for the law was the system of communication was not as effective as it is now. See newspaper clipping (Exhibit 12). He said a person casts two votes by not showing up for the election now, one for the turnout requirements and one against the passage.

Richard Trerise of the Montana Association of County School Superintendents rose in favor of the concept of the bill but the members expressed concerns that public notice requirements to election laws may not be adequate in light of the legislation.

Bob Stockton with the Office of Public Instruction, Phil Campbell with the Montana Education Association, and Larry Holmquist from the School Administrators of Montana spoke support of the bill.

Alice Tully, Trustee from Hellgate Elementary and on the School Board Association Board of Directors relayed support for the bill.

OPPONENTS: Sandra Whitney, representing the Montana Taxpayer's Association spoke in opposition to the bill. (See Exhibit 13) One voter could put a long term tax on the taxpayer with this bill.

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-11-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah		✓ (arrived late)	
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	~~excused~~ ✓	(arrived late)	
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

VISITORS' REGISTER

EDUCATION COMMITTEE

BILL NO. 551 - New High School Dist. Method of Establishment DATE February 11, 1985

SPONSOR Dennis Rehberg

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Richard Tremaine	Helena	✓	
Chip Erdmann	Mt School Bds Assoc	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ACTION ON H.B. 480: Rep. Peck moved DO PASS to H.B. 480. Rep. Eudaily seconded the motion and it passed unanimously by voice vote.

ACTION ON H.B. 551: Rep. Brandewie offered a motion of DO PASS to the bill with a second by Rep. Hammond. Rep. Peck made a substitute motion of DO NOT PASS which was seconded by Rep. Thomas. Rep. Sands offered another substitute motion that the bill be TABLED and a voice vote showed all in favor with the exception of Rep. Hannah.

ACTION ON H.B. 626: Representative Brandewie motioned DO NOT PASS to this bill which was seconded by Rep. Hannah. A substitute motion of DO PASS was given by Rep. Thomas with a second by Rep. Schye. A roll call vote on the motion showed H.B. 626 DO PASS with 13 for and 2 against.

There being no further business, the meeting was adjourned at 6:45 p.m.

Dan Harrington

DAN HARRINGTON, Chairman

crf

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-13-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	✓		
Fred Thomas	✓		
Mel Williams	✓		

RECONSIDERATION OF H.B. 551: Rep. Kitselman motioned that the committee reconsider action on this bill. The motion carried. Rep. Kitselman moved that the proposed amendments be adopted. The motion carried. Kitselman moved that the bill DO PASS AS AMENDED. A voice vote showed the motion carried unanimously. The amendments are as follows:

1. Page 1, line 10.
   Following: the first "district"
   Insert: "--limitation for creation"

2. Page 1, line 22.
   Strike: "24"
   Insert: "50"

3. Page 4, line 15.
   Following: line 14
   Insert: "(8) for the purposes of this section, the taxable value of the taxable property of the territory proposed to be included in the new district must be at least $5000,000"

RECONSIDERATION OF H.B. 626: This bill was returned from the floor for further action. Rep. Nelson moved the amendments which spells out procedures for the bill. The amendments motion carried unanimously. Rep. Eudaily motioned that H.B. 626 DO NOT PASS. Rep. Hammond offered a substitute motion of DO PASS AS AMENDED. A voice vote and show of hands indicated the motion carried with Representatives Glaser, Eudaily, Williams, and Brandewie dissenting. (Please see copy of Standing Committee Report for amendments)

ACTION ON H.B. 765: Rep. Harbin moved that the bill be TABLED. Rep. Hammond gave the motion a second and all were in favor except Rep. Hannah. The motion carried.

ACTION ON H.B. 242: Rep. Hammond motioned that the bill DO PASS. Rep. Harbin made a substitute motion to TABLE. The motion carried with Hammond, Nisbet, Harrington, and Brandewie dissenting.

ACTION ON H.B. 211: Rep. Kitselman made a DO PASS motion to H.B. 211. Rep. Mercer seconded the motion. Rep. Williams substituted the motion on the floor with a DO NOT PASS recomendation. There was discussion of whether would be in jeopardy be being left in the committee after transmittal. It was pointed out by Chairman Harrington that in the past the Foundation Funding bills have been held until after transmittal and he would not sign the committee report as he felt this bill should be heard on the floor at a later time. A roll call vote on the substitute motion failed by a vote of 3 to 15. The

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2.20.85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond	✓		
Thom Hannah	✓		
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	✓		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck	✓		
Jack Sands	✓		
Ted Schye	ℓ		
Fred Thomas	ℓ		
Mel Williams	✓		

STANDING COMMITTEE REPORT

FEBRUARY 23 19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 551

FIRST reading copy (WHITE)
color

ESTABLISHING A METHOD FOR CREATION OF A NEW HIGH SCHOOL DISTRICT

Respectfully report as follows: That HOUSE Bill No. 551

BE AMENDED AS FOLLOWS:

1. Page 1, line 10.
Following: the first "district"
Insert: "--limitation for creation"

2. Page 1, line 22.
Strike: "24"
Insert: "30"

3. Page 3, line 15.
Following: line 14
Insert: "(3) for the purposes of this section, the taxable value of the taxable property of the territory proposed to be included in the new district must be at least $500,000."

AND, AS AMENDED

DO PASS

BOB HANNAFORD
Chairman.

STATE PUB. CO.
Helena, Mont.